



**U.S. Department of Justice**

**Tax Division**

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*Northern Criminal Enforcement Section      Washington, DC 20530*

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By FedEx

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Re:     United States v. Hines et. al  
         Criminal Docket No. 14-00545 (SLT)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, and pursuant to the Disclosure Order entered by the Court on January 30, 2015 and subject to the Protective Order entered by the Court on that day, the government hereby furnishes the following discovery in the above-captioned case. Please also consider this letter to be the government's request for reciprocal discovery.

- I.     The Government's Discovery
  - A. Statements of the Defendants

Defendant Hines's statements to the IRS were recorded in memoranda located in the attached discovery at IRS-SH-000007 to 14, IRS-SH-000431 to 37, IRS-SH-000449 to 56, IRS-SH-000518 to 24, and KB-000078 to 85. Defendant Chestnut's statements to the IRS were recorded in memoranda located in the attached discovery at IRS-SH-000438 to 442 and IRS-SH-000513 to 17.

Additionally, when defendant Henry was arrested on January 15, 2015, law enforcement agents read him his Miranda warnings. Henry responded that he understood his rights. Law enforcement agents asked Henry if he had identification. Henry responded that he had identification in his wallet and allowed the agents to remove the identification from his wallet. The arresting agents then asked Henry if the wallet and courtesy badge could be left on his office desk and Henry replied "yes." Henry was asked if he wanted to take his cell phone to which he replied "yes," and the arresting agents took custody of the phone. Law enforcement agents asked Henry if he was on any medication and he replied that he was not.

Law enforcement agents asked Henry if he wanted to inform anyone of his detention. Henry replied "yes" and sent a text message to an unknown individual on his personal cell phone. Henry did not make any other statements regarding the case.

Additionally, when defendant Chestnut was arrested on January 15, 2015, law enforcement agents read him his Miranda warnings. Chestnut stated that he understood his rights. At the time of his arrest, Chestnut insisted that the contents of his coat and pant pockets be left with his wife. With the exception of Chestnut's driver's license, the contents in Chestnut's pockets were left with his wife.

Law enforcement agents asked Chestnut if he was required to take daily medication. Chestnut indicated that he took medication for diabetes at midnight every night however Chestnut did not have the medication in his possession. Law enforcement agents inquired if Chestnut would like them to contact his wife to retrieve the medication. Chestnut responded that it was not necessary because he did not need to take the medication until midnight.

During transport, Chestnut asked law enforcement agents to adjust his handcuffs to a more comfortable position. Agents stopped the vehicle and did so.

Defendant Hines surrendered voluntarily with her attorney on January 20, 2015.

#### B. Criminal History/Documents

Defendant Hines's criminal history, if any, is included at: NCIC-000003 to 4. The government intends to provide an updated criminal history search for each defendant. In the meantime, we note the following: <http://www.wnyc.org/story/cops-complaints-and-one-ugly-altercation-caught-tape/>. Defendant Chestnut has no known criminal history. Defendant Henry's criminal history, if any, is included at: NCIC-000001 to 2.

Enclosed is a disk with encrypted files containing copies of the following materials in PDF file format. The password for the disk will be transmitted by email. A list of materials follows:

DESCRIPTION	BATES NUMBER
Documents from witness A.C.	AC-000001 to 68
Documents from America Online	AOL-000001 to 2 AOL-000005 to 15 AOL-000019 to 22
Documents from witness B.B.	BB-000001 to 30
Bank records from Bank of America	BOA-000001 to 263 BOA-000265 BOA-000267 BOA-000272 to 1295 BOA-001302 to 1316
Documents from U.S. Bankruptcy Court for the Eastern District of New York	BNKR-000001 to 91
Documents from Cablevision	Cable-000001 to 2 Cable-000005 to 6
Document from witness C.C.	CC-000001
Bank records from Chase Bank	Chase-000001 to 1456 Chase-001462 to 3258 Chase-003262 to 3296 Chase-003300 to 3912 Chase-003916 to 4193 Chase-004197 to 4512
Bank records from Citibank	Citi-000001 to 438 Citi-000443 to 484 Citi-000487 to 525
Bank records from Commerce Bank	Commerce-P-000001 to 321
Records from Aldridge investigation	CMI-000001 to 2169
Documents from witness C.S.	CS-000001 to 114
Documents from witness D.J.	DJ-000001 to 207
Documents from witness D.O.	DO-000001 to DO-000349

Documents from DOJ injunction case	DOJ-000276 to 283 DOJ-000289 to 330 DOJ-000333 to 397 DOJ-000402 to 435 DOJ-000438 to 439 DOJ-000443 to 468 DOJ-000474 to 477 DOJ-000499 to 500 DOJ-000527 to 534 DOJ-000536 to 550 DOJ-000570 to 578 DOJ-000599 to 755 DOJ-000803 to 1078 DOJ-001284 to 1298 DOJ-001671 to 1672 DOJ-001674 DOJ-001678 to 1794 DOJ-002173 to 2979 DOJ-003477 to 3856
Records from Equifax	Equifax-P-000001 to 6
Documents from witness E.W.	EW-000001 to 33
Credit report from Experian	Experian-P-000001 to 4
Records from the Food and Drug Administration	FDA-000001 to 363
Records from the IRS FIRE System	FIRE-P-000001 to 1038
Documents requested by Chestnut from the IRS in a FOIA request	FOIA-000001 to 8 FOIA-000010 FOIA-000012 FOIA-000015 to 22 FOIA-000032
Documents from Google	Google-000001 to 10
Documents from Google	Google-P-000001 to 4
Documents from witness H.A.	HA-000001 to 53
Records from Immigration and Customs Enforcement	ICE-000001 to 5
Records from inbox.com	Inbox-000001 to 8
Records from the IRS	IRS-000001 to 3390 IRS-003394 to 7609 IRS-007653 to 10288
Records from the IRS civil files	IRS-ADMIN-000022 IRS-ADMIN-000043 to 120 IRS-ADMIN-000136 to 140 IRS-ADMIN-00153 to 326
Records from IRS Revenue Officer E.J.	IRS-EJ-000001 to 223

Records from the IRS frivolous return program	IRS-FRIV-P-000001 to 325; IRS-FRIV-P-000352 to 363
Records from IRS Revenue Officer G.O.	IRS-GR-000001 to 55
Records from IRS Revenue Officer J.R.	IRS-JR-000001 to 68
Records from IRS Special Agent K.B.	IRS-KB-000001 to 837
Records from IRS Revenue Officer K.J.	IRS-KJ-000001 to 72
Records from IRS Revenue Officer L.S.	IRS-LS-000001 to 178 IRS-LS-000101 to 123 IRS-LS-000129 to 141 IRS-LS-00144 to 1383 IRS-LS-001398 to 1408 IRS-LS-001419 to 1422 IRS-LS-001456 to 1507 IRS-LS-001510 to 1675 IRS-LS-001699 to 1705
Records from IRS FIRE System manager M.E.	IRS-ME-000001 to 52
Records from IRS	IRS-P-000001 to 354
Records from IRS Special Agent R.P.	IRS-RP-P-000001 to 17
Records from IRS supervisor S.H.	IRS-SH-000001 to 404 IRS-SH-000431 to 447 IRS-SH-000449 to 462 IRS-SH-000467 to 485 IRS-SH-000513 to 853 IRS-SH-000856 to 010918
Records from Revenue Officer S.S.	IRS-SS-000001 to 452 IRS-SS-000478 to 598
Records from IRS Special Agent S.T.	IRS-ST-000001
Records from the IRS Service Center	IRS-SVC-000001 to 881
Records from witness J.D.	JD-000001 to 3
Records from witness J.I.	JI-000001 to 52
Records from Penny Jones investigation	Jones-000001 to 493
Documents from witness K.J.	KJ-000001 to 54
Records from witness K.O.	KO-000001 to 49
Documents from witness L.H.	LH-000001 to 44
Documents from witness M.A.	MA-000001 to 34
Records from MSN (Microsoft Network)	MSN-000001 to 2
Records from the National Archives and Records Administration regarding Clive Henry	NARA-000001 to 203
Records from National Grid	NATG-000001 to 34
NCIC criminal history records	NCIC-000001 to 4
Documents mailed by Nafeesah Hines	NH-000001 to 7
Documents from witness N.R.	NR-000001 to 6
Records from Netspend Corporation	NSC-000001 to 14
Records from New York Court System	NY-CTS-000001 to 7

Records from the New York Department of Motor Vehicles	NY-DMV-000001 NY-DMV-000003 to 102 NY-DMV-000104
Records from the New York City Police Department	NYPD-000001 to 4 NYPD-000005 to 8 NYPD-000009 NYPD-000012 to 23
Documents from witness P.A.	PA-000001 to 23
Documents from witness R.P.	RP-000001 to 22
Documents from witness S.A.	SA-000001 to 123
Records from Suffolk County Clerk's Office	SCC-000001 to 9
Documents from witness S.G.	SG-000001 to 102
Documents from witness S.J.	SJ-000001 to 990
Documents from witness S.P.	SP-000001 to 522
Documents from witness S.S.	SS-000001 to 2
Documents from witness S.W.	SW-000001 to 10, SW-000016 to 703
Records from Taxslayer tax preparation software	Taxslayer-000001 to 374
Bank records from TD Bank	TDBank-000001 to 684 TDBank-000686 to 692 TDBank-000696 to 699 TDBank-000702 to 1160 TDBank-001166 to 1168 TDBank-001174 TDBank-001176 to 1178 TDBank-001182 to 2166 TDBank-002168 TDBank-002174 to 2319
Records from TD Bank	TDBank-P-000001 to 49
Records from Time Warner Inc.	Time-000001
Records from Time Warner Inc.	Time-P-000001, Time-P-000003
Records from Tuition Management Service	TMS-000001 to 50
Credit reports from Trans Union	TransUnion-P-000001 to 6
Records from Thrift Savings Plan regarding Nafeesah Hines	TSP-000001 to 67
Bank records from the United Nations Federal Credit Union regarding witness S.P.	UNFCU-00001 to 210
Records from U.S. Treasury Office of Personnel Management	US-OPM-000001 to 8 US-OPM-000010 to 12 US-OPM-000015 to 22 US-OPM-000031 to 32
Documents from witness V.M.	VM-000001 to 7
Documents from witness V.V.	VV-000001 to 2
Bank records from Wells Fargo Bank	Wells-000001 to 269 Wells-000274 to 302

Records from xacti.com for <a href="mailto:purplover@inbox.com">purplover@inbox.com</a>	Xacti-000001 to 5
Records from yahoo.com	Yahoo-000001 to 36

During the investigation, the government obtained hard disk images from defendant Hines' employer, the U.S. Food and Drug Administration. One disk was used by Nafeesah Hines, and the other was used by defendant Hines' coworker, E.W., who is also a witness in this case. The government does not intend to make use of this information in its proof, and, in the estimation of the government, this information is not material to this case. Nevertheless, if any defendant wishes to inspect, view, or copy this information please contact us and we will make it available upon request.

#### C. Reports of Examinations and Tests

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

#### D. Brady/Giglio

The government is not aware of any exculpatory material regarding the defendants. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

While the government does not consider the following information to fall within Brady, we note that defendant Hines has been linked to the following false claims cases: *United States v. Poynter et al.*, case no. 11-cr-00223 (W.D. Mo.) and *United States v. Jones et. al*, case no. 11-cr-60273 (S.D.F.L.).

#### E. Other Crimes, Wrongs or Acts

The government will provide the defendants with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

### II. The Defendants' Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant

allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendants' possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendants disclose prior statements of witnesses who will be called by the defendants to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendants have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendants disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendants' intentions, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendants intend to rely in establishing the defense identified in any such notice.



### III. Further Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact us.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

LORETTA E. LYNCH  
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cc: Clerk of the Court (via ECF without enclosures)